

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

JAN 13 2020

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

SUSANA GARCIA (02)

No. 2:20-MJ-5

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18, United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C. § 3142(f) because it is a case that involves:

- A crime of violence as defined in 18 U.S.C. § 3156(a)(4), violation of section 1591, or federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(A)).
- An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).
- A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- A felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).
- A felony that involves a minor victim or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).
- A felony that involves the possession or use of a firearm, destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).
- A serious risk defendant will flee. (18 U.S.C. § 3142(f)(2)(A)).
- A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

Defendant's appearance as required.  
 Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e). The presumption applies because there is:

A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(A)).  
 An offense under Title 18, United States Code, Sections 924(c), 956(a), or 2332b. (18 U.S.C. § 3142(e)(3)(B)).  
 A federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(C)).  
 An offense in Chapter 77 of Title 18 (human trafficking) for which the maximum sentence is 20 years or more. (18 U.S.C. § 3142(e)(3)(D))  
 Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(2)).  
 a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)(3)(E)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

At first appearance.  
 After continuance of three days.  
 Moot at this time as defendant is in state [federal, administrative] custody. Hearing requested if detention becomes a viable issue.

5. **Eligibility for 10-Day Temporary Detention:** The court may temporarily detain the defendant to permit revocation of conditional release, deportation, or exclusion because:

A. i) \_\_\_\_\_ The defendant is, and was at the time the offense was committed:

- \_\_\_\_\_ on release pending trial for a felony under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(i));
- \_\_\_\_\_ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(ii));
- \_\_\_\_\_ on probation or parole for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(iii)); or

ii) \_\_\_\_\_ The defendant is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20) (18 U.S.C. § 3142(d)(1)(B));

B. And the defendant:

- \_\_\_\_\_ may flee; or
- \_\_\_\_\_ pose a danger to any other person or the community.

Respectfully submitted,

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